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10/510,449	04/05/2005	Bertrand Bouvet	0600-1183	2431
<div>466 7590 11/09/2009</div> <div>YOUNG &amp; THOMPSON</div> <div>209 Madison Street</div> <div>Suite 500</div> <div>Alexandria, VA 22314</div>				
<div>EXAMINER</div> <div>NICKERSON, JEFFREY L.</div>				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

### Office Action Summary

**Application No.**

10/510,449

**Applicant(s)**

BOUVET, BERTRAND

**Examiner**

JEFFREY NICKERSON

**Art Unit**

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to Application No. 10/510,449 filed nationally on 05 April 2005 and internationally on 04 April 2003. The response presented on 25 June 2009, which amends claims 1-19, provides replacement drawings, provides a translation of the foreign priority document, and presents arguments, is hereby acknowledged. Claims 1-20 are currently pending.

***Drawings***

2. The replacement drawings filed on 25 June 2009 are accepted. All outstanding objections to the drawings are obviated and hereby withdrawn.

***Claim Rejections - 35 USC § 112***

3. The response presented on 25 June 2009 providing change to the claims is noted. The examiner graciously thanks applicant for clarifying issues surrounding the claims. Except for the rejections listed below, all outstanding rejections under 35 USC 112 are hereby withdrawn.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, this claim recites the limitation "the selection" in the second stanza. This claim further recites "the selected payment instrument" in the third stanza. However, claim language positively reciting the selection of a payment instrument is not present; merely language reciting one is accessible to be selected. There is insufficient antecedent basis for these limitations in the claim and correction is therefore required.

Regarding claim 3, this claim recites "the nature" in line 4. This claim further recites "the exchange capabilities" in line 6. There is insufficient antecedent basis for these limitations in the claim and correction is therefore required.

Regarding claim 4, this claim recites both "the time" and "the exchanges" in line 7. There is insufficient antecedent basis for these limitations in the claim and correction is therefore required.

Regarding claim 5, this claim recites "said connection means" in line 3 and "said data" in line 3. There is either insufficient or ambiguity surrounding the antecedent basis for these limitations and correction is therefore required.

Regarding claim 6, this claim recites "said means of determining the exchange control parameters in lines 2-3. This claim further recites "said data with conditional access" and "the selected payment instrument" in lines 4 and 6. There is either insufficient or

ambiguity surrounding the antecedent basis for these limitations and correction is therefore required.

Regarding claim 7, this claim recites "the operation" in line 4. This claim further recites "said means" in line 5. There is either insufficient or ambiguity surrounding the antecedent basis for these limitations and correction is therefore required.

Regarding claim 12, this claim recites "the physical means of connection" in line 3. There is insufficient antecedent basis for this limitation in the claim and correction is therefore required.

Regarding claim 16, this claim recites "said user identifiers" in line 4 and "said used payment instrument" in line 5. There is insufficient antecedent basis for these limitations in the claim and correction is therefore required.

Regarding claim 17, this claim recites "the telephone type" in lines 3-4 and "said server" in line 4. There is either insufficient or ambiguity surrounding the antecedent basis for these limitations and correction is therefore required.

Regarding claim 19, this claim recites "it" and "the data" in line 4. There is either insufficient or ambiguity surrounding the antecedent basis for these limitations and correction is therefore required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10, 13-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al (US 5,878,141), and in further view of Giordano et al (US 2009/0228336 A1).

Regarding claim 1, Daly teaches a data exchange system over a data transfer network between a receiver station (STB) and a data server with conditional access (service provider), in which data exchanges over the data transfer network are managed and authorized by a control server (Head end server) (Daly: Figures 3-4, col 9, lines 8 – col 11, line 22), wherein the control server comprises:

means for access to sponsoring institutions (Daly: col 12, line 66 – col 13, line 34 provides the head end has access to the sponsoring institution of the selected payment method);

means for forming a catalog of payment instruments, the payment instruments being usable and accessible by a user of said receiver station for selection, by the user, of one of these payment instruments (Daly: abstract; col 12, lines 12-53 provides for

creating set of selectable payment instruments from intersection of subscriber approved payment methods and merchant approved payment methods);

means for exchanging information with the sponsoring institution associated with the selected payment instrument to receive credit or billing data associated with the selected payment instrument (Daly: col 13, lines 22-35);

means for determining parameters for control of the data exchanges over said network corresponding to the credit or billing data (Daly: col 13, lines 22-35 provides for denying payments and access to goods/services); and

means for data exchange control over the network according to the determined parameters (Daly: col 13, lines 22-35 provides for denying access to goods/services).

Daly does not teach wherein the sponsoring institutions comprise at least two different user management servers, each user management server providing credit or billing data associated with the respective payment instrument.

Giordano, in a similar field of endeavor, teaches wherein the sponsoring institutions comprise at least two different user management servers providing credit or billing data associated with the respective payment instrument (Giordano: Figure 3, plural items 16 and 52; [0013]; [0045]; Figure 5; [0047]; See also [0049]-[0050]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Giordano for interfacing to multiple payment authorities. The teachings of Giordano, when implemented in the Daly system, will allow one of ordinary skill in the art to receive approval for billing transactions from multiple different interbank networks. One of ordinary skill in the art would be motivated

to utilize the teachings of Giordano in the Daly system in order to allow users to pay with multiple brands of credit/debit instruments.

Regarding claim 2, the Daly/Giordano system teaches wherein said means for forming a catalog of usable payment instruments comprises:

storage means for maintaining a predetermined list of payment instruments authorized for access to said conditional access data (Daly: col 12, line 11-28);

data acquisition means for acquiring a constitution and operation of the system and elements comprising the receiving station (Daly: col 12, lines 28-42); and

means for establishing the catalog of at least two usable payment instruments from at least a list of authorized instruments and of acquired data relating to the system (Daly: col 12, lines 11-65).

Regarding claim 3, the Daly/Giordano system teaches wherein said data acquisition means further comprises:

analysis means for analysis of the receiver station and for acquiring data relating to the nature of the receiver station or data relating to the exchange capabilities of the receiver station (Daly: col 12, lines 12-28 provides for retrieving the user's spending limits, etc).

Regarding claim 4, the Daly/Giordano system teaches wherein said data acquisition means further comprises:



means for connecting the receiver station to the network and for providing data relating to the connection between the receiver station and the network or data relating to a time of data exchanges (Daly: col 12, lines 12-28; col 2, lines 20-39).

Regarding claim 5, the Daly/Giordano system teaches wherein said control server further comprises:

means for remote interrogation of said connection means to obtain said data (Daly: col 7, lines 26-39).

Regarding claim 6, the Daly/Giordano system teaches wherein said means for determining parameters is connected to means for storing data concerning conditions of access to said data with conditional access (Daly: Figure 4; col 8, lines 36-46); and

wherein means for determining parameters is connected to means for storing exchange authorization data associated with the payment instrument to establish said exchange control parameters (Daly: Figure 4; col 12, lines 11-65).

Regarding claim 7, the Daly/Giordano system teaches wherein said means for determining parameters is connected to means for supervising an operation of the receiver station receiving, from said means, data relating to a state of activity or the operation of the receiver station (Daly: col 11, lines 22-45).

Regarding claim 8, the Daly/Giordano system teaches wherein said means for supervising is formed by software means initially stored in the system and transmitted to said receiver station on which the software means reside throughout the data exchanges (Daly: col 9, lines 8-63; col 7, lines 26-47).

Regarding claim 9, the Daly/Giordano system teaches wherein said exchange authorization data associated with the selected payment instrument corresponds to one of temporal credit data, monetary credit data, fixed charge credit data, data volume credit data, and billing data (Daly: abstract; col 8, lines 20-45; col 13, lines 22-35).

Regarding claim 10, the Daly/Giordano system teaches further comprising:

a user management server associated with the selected payment instrument comprises at least one database containing said exchange authorization data associated with the payment instruments (Daly: col 12, lines 12-65 for payment authorities maintaining authorization data; abstract for wherein stored in database).

Regarding claim 13, the Daly/Giordano system teaches further comprising:

means for determining a user identifier associated with said payment instruments in order to allow an identification by said user management server of a corresponding user account (Daly: col 12, lines 11-28).

Regarding claim 14, the Daly/Giordano system teaches wherein said means for determining a user identifier are automatic means of identification of the receiver station (Daly: col 12, lines 11-28).

Regarding claim 15, the Daly/Giordano system teaches wherein said means for determining a user identifier are means of manually inputting an identifier (Daly: col 11, lines 23-45).

Regarding claim 16, the Daly/Giordano system teaches further comprising:

means for debiting said exchange authorization data, associated by said user identifiers to said payment instrument, for debiting said authorization data according to the data exchanges (Daly: col 13, line 58 – col 14, line 10).

Regarding claim 18, the Daly/Giordano system teaches wherein said data exchange control means are suitable for being interposed between said data server and said receiver station in order to directly control all the data exchanges between said data server and said receiver station (Daly: Figure 3).

Regarding claim 19, the Daly/Giordano system teaches wherein said data exchange control means are interrogated periodically by said receiver station in order to transmit to it or not an authorization for access to the data of said data server (Daly: col 9, line 49 – col 10, line 6; col 16, line 22-32).

Regarding claim 20, this claim contains limitations found within that of claim 1 and the same rationale of rejection is used, where applicable.

8. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al (US 5,878,141), in view of Giordano et al (US 2009/0228336 A1), and in further view of Riley et al (US 2002/0010800 A1).

Regarding claim 11, the Daly/Giordano system teaches wherein said user management server is a server that provides user management capabilities (Giordano: Figure 3, plural items 16 and 52; [0013]; [0045]; Figure 5; [0047]; See also [0049]-[0050]).

The Daly/Giordano system does not teach wherein the user management server provides access to said data transfer network, said user management server connecting said receiver station to said network.

Riley, in a similar field of endeavor, teaches a server (network access system) that provides access to said data transfer network, said server connecting said receiver station (host computer) to said network (Riley: Figures 1-3; See also [0052]-[0053]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Riley for managing the data connection between the receiver station and the network. The teachings of Riley, when implemented in the Daly/Giordano system, would allow for secure access regulation between the receiver station and the data network. One of ordinary skill in the art would

be motivated to utilize the teachings of Riley in the Daly/Giordano system in order to prevent information leaking.

Regarding claim 12, the Daly/Giordano/Riley system teaches a system characterized in that said user management server is a server controlling the physical means of connection of the receiver station to the data transfer network (Riley: Figure 4).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al (US 5,878,141), in view of Giordano et al (US 2009/0228336 A1), and in further view of Adam et al (US 2002/0181710 A1).

Regarding claim 17, the Daly/Giordano system teaches wherein said debiting means are accessible by said control server and the user management server (Daly: Figure 4).

The Daly/Giordano system does not teach wherein the debiting means comprises a debiting server connected to a telephone type network and wherein said debiting server is accessible through a programmable call controller.

Adam, in a similar field of endeavor, teaches wherein said debiting means comprise a debiting server connected to another network of the telephone type and accessible through a programmable call controller (Adam: Figure 4; abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Adam for using a mobile phone administration server to debit user bank accounts. The teachings of Adam, when

implemented in the Daly/Giordano system, would allow for communication over telephone networks. One of ordinary skill in the art would be motivated to utilize the teachings of Adam in the Daly/Giordano system in order to utilize already-established networks.

***Response to Arguments***

10. Applicant's arguments filed in the response dated 25 June 2009, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejection have been made above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./  
Examiner, Art Unit 2442

**/Asad M Nawaz/  
Primary Examiner, Art Unit 2455**